PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Andreas Meinke *et al*.

Serial No.: 10/553,928

Filed: October 20, 2005

For: H. PYLORI ANTIGENS

Group Art Unit: 1645

Examiner: Portner, Virginia Allen

Atty. Dkt. No.: SONN:079US

Confirmation No.: 5881

CERTIFICATE OF ELECTRONIC SUBMISSION

DATE OF SUBMISSION: November 15, 2006

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

A corrected filing receipt is requested in view of the errors that appear in the original. For the convenience of the Patent and Trademark Office, attached is a photocopy of the original receipt on which the errors have been noted.

There are errors in the Applicant(s) section. Please delete "Presabaum" and add --Pressbaum--. Please delete "Du Min Bui" and add --**Duc Min Bui**--. Please delete "Taorstrasse" and add --Vienna--. In support of this requested correction, Applicants attach a copy of the filed inventors' Declaration enclosed with PCT Request dated April 22, 2004.

No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to

this document, the Commissioner is authorized to deduct the appropriate fee from Fulbright & Jaworski Deposit Account No.: 50-1212/SONN:079US.

Respectfully submitted,

Mark B. Wilson Reg. No. 37,259

Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P. 600 Congress Avenue, Suite 2400 Austin, Texas 78701 (512) 474-5201

Date:

November 15, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

1	APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
	10/553,928	10/20/2005	1645	1050	SONN:079US	5	23	2

CONFIRMATION NO. 5881

32425 FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701 FILING RECEIPT

OC000000018886777

Date Mailed: 05/22/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Pressbaum

Duc Min Bui

Andreas Meinke, Presabaum, AUSTRIA; Du Min Bui, Vienna, AUSTRIA;

Eszter Nagy, Vienna, AUSTRIA;

Tamas Henics, Taorstrasse, AUSTRIA;

Vienna

Assignment For Published Patent Application

Intercell AG, Vienna, AUSTRIA

Power of Attorney: The patent practitioners associated with Customer Number 32425.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/04255 04/22/2004

Foreign Applications

Acceptable Request to Retrieve Priority Application Received?

EUROPEAN PATENT OFFICE (EPO) 034-50097.5 04/22/2003

NO

If Required, Foreign Filing License Granted: 05/19/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/553,928

Projected Publication Date: 08/31/2006

Non-Publication Request: No

Early Publication Request: No

Title

H pylori antigens

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving 9ffi	n 4 2 5 5
2 2 APR 2004 International Filing Date	(2 2. 04. 04)
EUROPEAN PAT	ENT OFFICE LAPPLICATION ternational Application"

Box No. I TITLE OF INVENTION H. PYLORI ANTIGENS	Applicant's or agent's file reference (if desired) (12 characters maximum) R 43044
Box No. II APPLICANT	erson is also inventor
Name and address: (Family name followed by given name; for a lego The address must include postal code and name of country. The country Box is the applicant's State (that is, country) of residence if no State of re	al entity full official L
INTERCELL AG Campus Vienna Biocenter 6	Facsimile No.
A-1030 Vienna AT	Teleprinter No.
State (that is, country) of nationality:	Applicant's registration No. with the Offic
This person is applicant all designated all designated	State (that is, country) of residence: AT ated States except The United States
Box No. III FURTHER APPLICANT(S) AND/OR (FUR	d States of America of America States the States indicated in
Box is the applicant's State (that is, country) of residence if no State of resi MEINKE, Andreas Piettegasse 26/1 A-3013 Pressbaum AT	applicant only applicant and inventor inventor only (If this check-box is marked, do not fill in below.) Applicant's registration No. with the Office
tate (that is, country) of nationality:	State (that is, country) of residence:
die Office	ated States except States of America **The United States** the States indicated in
Further applicants and/or (further) inventors are indicated ox No. IV AGENT OR COMMON REPRESENTATION.	on a continuation sheet.
	E; OR ADDRESS FOR CORRESPONDENCE
the applicant(s) before the competent International Authorities ame and address: (Family name followed by given name; for a legal en The address must include postal code and name of	
ONIN & PARTNER PATENTANINALTE	143 1312 84 05
Riemergasse 14 1010 Vienna T	Facsimile No. +43 1 512 98 05
A I	Teleprinter No.
Address for correspondence: Mark this check how at	Agent's registration No. with the Office
space above is used instead to indicate a special address to	e no agent or common representative is/has been appointed and the which correspondence should be sent

Sheet No. ...2..

Continuation of Box No. III FURTHER APPLICANT(S) A	ND/OR (FURTHER) I	INVENTOR(S)
If none of the following sub-boxes is used, this sheet should no	t be included in the requ	uest.
Name and address: (Family name followed by given name; for a legal enti- The address must include postal code and name of country. The country of the Box is the applicant's State (that is, country) of residence if no State of residence MIN BUI, Duc Rudolf Zeller Gasse 70/6/9 A-1230 Vienna AT State (that is, country) of nationality: VN	e address indicated in this ce is indicated below.)	This person is: applicant only applicant and inventor inventor only (If this check-box is marked, do not fill in below.) Applicant's registration No. with the Office of residence:
the United States the United States	ates of America	he United States the States indicated in the Supplemental Box
Name and address: (Family name followed by given name; for a legal entitude address must include postal code and name of country. The country of the Box is the applicant's State (that is, country) of residence if no State of residence NAGY, Eszter Taborstraße 9 A-1020 Vienna AT	e address indicated in this re is indicated below.)	This person is: applicant only applicant and inventor inventor only (If this check-box is marked, do not fill in below.) Applicant's registration No. with the Office
State (that is, country) of nationality:	State (that is, country) AT	of residence:
This person is applicant for the purposes of: all designated the United States all designated the United States	States except ates of America	he United States the States indicated in the Supplemental Box
Name and address: (Family name followed by given name; for a legal entit The address must include postal code and name of country. The country of the Box is the applicant's State (that is, country) of residence if no State of residence HENICS, Tamas Taborstraße 9/4/15 A-1020 Vienna AT	e address indicated in this e is indicated below.)	This person is: applicant only applicant and inventor inventor only (If this check-box is marked, do not fill in below.) Applicant's registration No. with the Office
State (that is, country) of nationality:	State (that is, country)	of residence:
This person is applicant for the purposes of: all designated the United States all designated the United States	States except ates of America	he United States the States indicated in the Supplemental Box
Name and address: (Family name followed by given name; for a legal entity the address must include postal code and name of country. The country of the Box is the applicant's State (that is, country) of residence if no State of residence is the applicant. State (that is, country) of nationality:	e address indicated in this ce is indicated below.)	This person is: applicant only applicant and inventor inventor only (If this check-box is marked, do not fill in below.) Applicant's registration No. with the Office
This	State (that is, country)	
		he United States of America only the States indicated in the Supplemental Box
Further applicants and/or (further) inventors are indicated or	n another continuation s	heet.

		Sheet No		
Box No. V DESIGNA				
The filing of this request confiling date, for the grant of	nstitutes under Rule 4.9(a), the every kind of protection avails	he designation of all Contable	racting States bound by t	he PCT on the international
However,	•	where applicable	, for the grant of both reg	gional and national patents.
DE Germany is not d	lesignated for any kind of nati	onal protection		
KR Republic of Kore	ea is not designated for any ki	nd of national protection		
	on is not designated for any k			
(The check-boxes above may the national law, of an earli such national law provision	v be used to exclude (irrevocab er national application from w is in these and certain other Si	ly) the designations concer hich priority is claimed. S tates.)	rned in order to avoid the See the Notes to Box No. (ceasing of the effect, under V as to the consequences of
Box No. VI PRIORITY	CLAIM			
The priority of the following	g earlier application(s) is hereb	y claimed:		
Filing date	Number		Where earlier application	ie.
of earlier application (day/month/year)	of earlier application	national application: country or Member of WTO	regional application:*	international application:
item (1) 22 April 2003 (22.04.2003)	03450097.5		[PO] **E+*	Tootiving Office
item (2)			\	
item (3)				
Further priority claims	are indicated in the Supplemen			
	· · · · · · · · · · · · · · · · · · ·			
the earlier application was fi above as:	ested to prepare and transmit to led with the Office which for th	o the International Bureau in the purposes of this international	a certified copy of the ear tional application is the re	rlier application(s) (only if eceiving Office) identified
	em (1) item (2)		other, se	ee Supplemental Box
* Where the earlier applicati Industrial Property or one M	on is an ARIPO application, in fember of the World Trade Org	dicate at least one country ganization for which that e	party to the Paris Conve earlier application was fil	ntion for the Protection of ed (Rule 4.10(b)(ii)):
Box No. VII INTERNAT	TIONAL SEARCHING AUT	HODITY		
Choice of International Sec	arching Anthority (ISA) (iCA			
TC 1 (the state of the cay,	earching Authorities are i	competent to carry out the
	rlior soarch, reference 4, 41			
	rlier search; reference to thority):	at search (if an earlier sed	arch has been carried ou	t by or requested from the
Date (day/month/year)	Numbe	er Count	ry (or regional Office)	
Box No. VIII DECLARA	TIONS			
The following declarations check-boxes below and indica	are contained in Boxes Nos. Vate in the right column the num.	VIII (i) to (v) (mark the ap)	plicable	Number of
Box No. VIII (i)	Declaration as to the identity		uon).	declarations
Box No. VIII (ii)	Declaration as to the applic date, to apply for and be gra	ant's entitlement, as at the	international filing	
Box No. VIII (iii)	Declaration as to the applic date, to claim the priority o	cant's entitlement as at th	e international filing	: 1
Box No. VIII (iv)	Declaration of inventorship United States of America)		the designation of the	· '
Box No. VIII (v)	Declaration as to non-preju-	dicial disclosures or excen	ations to lack of noveltee	·

Sheet	No		4	
CILCUL	110.			

Box No. VIII (iii)	DECLARATION:	ENTITLEMENT TO	CLAIM PRIORITY
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The declaration must conform to the standardized wording provided for in Section 213; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No.VIII (iii). If this Box is not used, this sheet should not be included in the request.

Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

in relation to this international application,

INTERCELL AG is entitled to claim priority of earlier application No. EP 03450097.5 by virtue of the following:

applicant's name changed from Intercell Biomedizinische Forschungs- und Entwicklungs AG to INTERCELL AG on May 24, 2003,

this declaration is made for the purposes of all designations.

This declaration is continued on the following sheet, "Continuation of Box No. VIII (iii)".

Box No. VIII (iv) DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)

The declaration must conform to the following standardized wording provided for in Section 214; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iv). If this Box is not used, this sheet should not be included in the request.

Declaration of inventorship (Rules for the purposes of the designation of	4.17(iv) and 51 <i>bis</i> .1(a)(iv)) the United States of America:
I hereby declare that I believe I am the original, first and sole (if only o is listed below) inventor of the subject matter which is claimed and for	ne inventor is listed below) or joint (if more than one inventor r which a patent is sought.
This declaration is directed to the international application of which it	forms a part (if filing declaration with application).
This declaration is directed to international application No. PCT/ to Rule 26ter).	
I hereby declare that my residence, mailing address, and citizenship ar	e as stated next to my name.
I hereby state that I have reviewed and understand the contents of the at of said application. I have identified in the request of said application, in and I have identified below, under the heading "Prior Applications," borganization, day, month and year of filing, any application for a patent States of America, including any PCT international application designat having a filing date before that of the application on which foreign pri-	bove-identified international application, including the claims a compliance with PCT Rule 4.10, any claim to foreign priority, y application number, country or Member of the World Trade or inventor's certificate filed in a country other than the United States of America
Prior Applications:	
I hereby acknowledge the duty to disclose information that is kn 37 C.F.R. § 1.56, including for continuation-in-part applications, materiof the prior application and the PCT international filing date of the col	al information which became available between the fiting data
I hereby declare that all statements made herein of my own knowledge are believed to be true; and further that these statements were made w made are punishable by fine or imprisonment, or both, under Section I false statements may jeopardize the validity of the application or any p	ith the knowledge that willful false statements and the like so 001 of Title 18 of the United States Code and that such willful
Name: MEINKE, Andreas	
Mailing Address: . Piettegasse 26/1	
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent) Name: MIN BUI, Duc Residence: Vienna, AT (city and either US state, if applicable, or country) Mailing Address: Rudolf Zeller Gasse 70/6/9 A-1230 Vienna Citizenship: Vietnamese Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international	Date: Niuna, 20. Jan. 2004 (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application) Date: Viena, 20. Jan. 2004 (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".

Sheet No. 6

Continuation of Box No. VIII (i) to (v) DECLARATION

If the space is insufficient in any of Boxes Nos. VIII (i) to (v) to furnish all the information, including in the case where more than two inventors are to be named in Box No. VIII (iv), in such case, write "Continuation of Box No. VIII ..." (indicate the item number of the Box) and furnish the information in the same manner as required for the purposes of the Box in which the space was insufficient. If additional space is needed in the request of two or more declarations, a separate continuation box must be used for each such declaration. If this Box is not used, this sheet

Continuation of Box No. VIII(iv)

Name: NAGY, Eszter Residence: Vienna, AT

Mailing Address: Taborstrasse 9

A-1020 Vienna

Cell i Vog

Citizenship: Hungarian

vien, 20-01-04

Name: HENICS, Tamas Residence: Vienna, AT

Mailing Address: Taborstrasse 9/4/15

A-1020 Vienna

Citizenship: Hungarian

Date: WiFN, 67/20/2004

This international application contains:	This international application:	
(a) in paper form, the following number of sheets:	This international application is accompanied by the following item(s) (mark the applicable check-boxes below and indicate in right column the number of each item):	Numbe of item
request (including declaration sheets) : 7	1. X fee calculation sheet	
description (excluding	2. X original separate power of attorney	: 1
sequence listing and/or	3. original general power of attorney	: 4
tables related thereto) : 81	4. Copy of general power of the second	:
claims : 10		
abstract : 1	statement explaining lack of signature	• • • • • • • • • • • • • • • • • • • •
drawings 5 Sub-total number of sheets : 104	6. L priority document(s) identified:	:
sequence listing : 79	item(s):	
tables related thereto (for both, actual number of	(language): 8. Separate indications concerning deposited microorganism or other biological material	· · · · · :
sheets if filed in paper form, whether or not also filed in computer readable form;	9. sequence listing in computer readable form (indicate type and number of carriers)	. :
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Total number of sheets : 183	Rule 13 ter only (and not as part of the international search	nunder plication) :
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(c) also in computer readable form (Section 80 I(a)(ii))	10. tables in computer readable form related to sequence listin (indicate type and number of carriers)	mn : g
 (i) ☐ sequence listing (ii) ☐ tables related thereto 	(i) copy submitted for the purposes of international search Section 802(b-quater) only (and not as part of the international search application)	under
Type and number of carriers (diskette, CD-ROM, CD-R or other) on which are contained the	application) (ii) (only where check-box (b) (ii) or (c) (ii) is marked in left co	llational : lumn)
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ments 9(tt) ana/or 10(tt), in right column)	11. other (specify):	••••
Yigure of the drawings which thould accompany the abstract:	Language of filing of the international application: English	
ox No. X SIGNATURE OF APPLICANT		
1	T, AGENT OR COMMON REPRESENTATIVE ning and the capacity in which the person signs (if such capacity is not obvious from	
	SONN & PARTNER PATENTANWÄ	reading the request).
	MIGNIANWA	転工匠
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	- Mak A	
Katherine Cohen (Head of Intellectual F	Property & Licensing) Daniel ALGE, Patent A	ttornev
the state of intellectual r		
Date of actual receipt of the purported	For receiving Office use only	
international application:	2 2 APR 2004 (2 2. 04. 04) 2.	Drawings:
Corrected date of actual receipt due to later by timely received papers or drawings completing the purported international application:		received:
Date of timely receipt of the required corrections under PCT Article 11(2):		, , ,
Andre 11(2):		not received:
Intornational C	6. Transmittal of search copy delayed	
International Searching Authority (if two or more are competent): ISA /	until search fee is paid	•
(If two or more are competent): ISA /	until search fee is paid	
(If two or more are competent): ISA /	until search fee is paid For International Bureau use only	